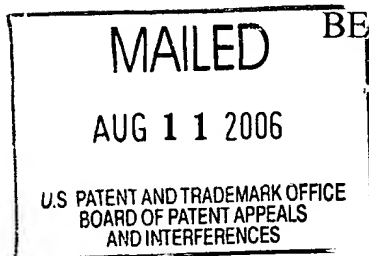


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte HOWARD E. RHODES

Application No. 09/172,298

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter "Board") on July 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On December 13, 2005, the Board mailed an Order Returning Undocketed Appeal (hereinafter "Order") wherein the Board ordered the Examiner to notify appellant to submit a Supplemental Appeal Brief, and for the examiner to submit a Supplemental Examiner's Answer to include the

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missing paragraph of "Related Proceedings" in accordance with 37 C.F.R. § 41.37(c) and to clarify the rejection of claims 11 and 12 under 35 U.S.C. § 103. On May 8, 2006, the examiner entered a Supplemental Examiner's Answer. A review of the Supplemental Answer reveals that while the Examiner complied with the Order mailed on December 13, 2005 by including the required paragraph of "Related Proceedings Appendix, " the Examiner still did not clarify for the record as to the status of claim 12 under 35 U.S.C. § 103.

Accordingly, it is

ORDERED that the application is returned to the examiner to address the status of claim 12, as ordered by the Board in the Order mailed on December 13, 2005, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Deputy Chief Appeal Administrator  
(571) 272-9797

Application No. 09/172,298

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DMS:clm